

## Sports & Entertainment Spotlight

# **Sports & Entertainment Spotlight: What the Supreme Court Ruling in *Alston v. NCAA* Means for the Future of College Sports**

By Joshua Bloomgarden on 6.24.21 | Posted in Sports & Entertainment Spotlight

“*The NCAA is not above the law.*” Those seven words capped Justice Brett Kavanaugh’s searing concurring opinion issued in connection with Monday’s (June 21) unanimous (9-0) U.S. Supreme Court ruling in *Alston v. National Collegiate Athletic Association*, in which the Court held that the NCAA’s limits on education-related benefits constituted a violation of antitrust law. Though the legal issue decided was relatively narrow in scope, the ruling sent shockwaves across the country, calling into question, and in many ways, paving the way for future challenges to the NCAA’s “amateurism” rules – including the arcane limits on student-athletes’ abilities to receive compensation from endorsements. This ruling came during an already perilous time for the NCAA, which has been facing the specter of chaos wrought by a slew of states’ name, image and likeness (NIL) legislations coming down the pipe, and Congress failing to pass the uniform legislation at the 11<sup>th</sup> hour last week. Now, just when it seemed that, after years of foot-dragging, the buck would be coming back to the NCAA for it to *finally* take ownership of meaningful reforms to its stance on NIL. NCAA President Mark Emmert circulated a memorandum yesterday, Wednesday (June 23), advising its constituent colleges and universities that they (not the NCAA) would be responsible for adopting their own policies within the not-yet-developed interim NIL guidelines to be hastily prepared by the NCAA – all in just seven (!) days’ time.

Lucky for you, I will not shirk my responsibility to deliver a selection of noteworthy stories in this week’s *Spotlight*:

- One of the world’s most marketable athletes, Portugal superstar footballer (I’m far more worldly than to say “soccer player”), Cristiano Ronaldo had a viral moment in which he spurned a Coca-Cola product placement in favor of *aqua* by removing two Coke bottles from the podium at a press conference following a European Football Championship match – but his desire not to be associated with the brand (at least not without compensation) did not actually have the billion dollar financial impact on Coca-Cola as widely reported.
- As Amazon’s MGM Studios acquisition comes under regulatory scrutiny, Netflix notches a point in the streaming wars, signing Steven Spielberg’s production company, Amblin to a

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multi-production deal to “phone home” over.

- Jay-Z’s 1995 album, "Reasonable Doubt," is again the subject of a lawsuit — this time, with Roc-a-Fella Records suing (and enjoining) its co-founder Damon Dash for allegedly seeking to mint the album as a non-fungible token (NFT). For his part, Dash claims he was only seeking to sell his interest in Roc-a-Fella Records. Most of my "Reasonable Doubt" song title puns from last week are applicable here, so I am not going to repeat them (read: writer’s block).
- Financial services company Robinhood prevailed — for now — against rapper and actor Ice Cube in a lawsuit over the use of his name, image, and likeness together with his song lyric, “[redacted]” in what Robinhood has construed as a company newslett... Never mind. Nothing to see here. Carry on...

**As a friendly reminder, if there are topics you’d like to see featured, please feel free to contact me at [josh.bloomgarden@foster.com](mailto:josh.bloomgarden@foster.com).**

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### Endorsement Deals, Sponsorships & Investments

#### **CBD and Athletes: Heavyweight World Champ and Olympic Gold Medalist Anthony Joshua Is Now Ambassador and Shareholder of Love Hemp Group**

*June 22, 2021 via Benzinga - Financial News*

Anthony Joshua, Order of the British Empire, a British professional boxer, two-time unified world heavyweight champion and Olympic gold medalist is the latest star to join the growing list of celebrities and athletes who are getting into the cannabis and CBD space.

#### **Women Fans Hold Key to Future Sports Revenue Growth, Study Says**

*June 21, 2021 via Sportico - Business*

“Shrink it and pink it” is how Sports Innovation Lab founder and CEO Angela Ruggiero describes the old, unofficial motto of brands and marketers trying to reach fans of women’s sports. Since then, options have exploded for fans and consumers.

#### **Times Are Changing for the Luxury Watch Industry: How Brands Should Respond**

*June 21, 2021 via Forbes - Top Stories (subscription may be required)*

Although some time has passed since the start of the COVID-19 pandemic, businesses are still looking for ways to adapt to the changes that came with it. Be it through innovative content or inventive partnerships, brands are trying to find ways to connect with their consumers in the most relatable way. And the luxury watch industry is no exception.

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### **The Rise of the \$10 Million Disc Golf Celebrity**

*June 21, 2021 via The Ringer*

How much can athletes really make in niche sports? A whole lot more than you might think. Disc golfer Paul McBeth set a new standard by signing an eight-figure endorsement contract—and his deal might only be the beginning.

### **Miley Cyrus Impresses With Kiss Blow For Gucci Fragrance**

*June 19, 2021 via Inquisitr*

Miley Cyrus is impressing both fans and fellow celebrities with her new brand partnership. The 28-year-old singer yesterday (June 18) took to Instagram to confirm she is the new face of luxury Italian designer Gucci, specifically announcing that she's fronting Gucci Flora Gorgeous Gardenia Eau de Parfum.

### **NASCAR Driver Among First to be Paid in Crypto With Car Sponsor Deal**

*June 17, 2021 via Sportico - Business*

NASCAR driver Landon Cassill and Voyager Digital Ltd. have announced a partnership that will pay Cassill completely in cryptocurrency.

### **Nike Partners With Pinatex For 'Happy Pineapple' Vegan Leather Sneaker Collection**

*June 17, 2021 via Green Queen*

Nike is teaming up with Ananas Anam, the company behind the pineapple vegan leather Pinatex, to launch a new plant-based sneaker collection.

### **No, Ronaldo Didn't Wipe Billions From Coke's Value**

*June 16, 2021 via Sportico - Business*

The power of celebrity is on full display at Euro 2020, the European soccer tournament that finally kicked off on June 11 after being delayed a year because of the pandemic. Take Exhibit A: Cristiano Ronaldo, the Portuguese legend who has been the top goal scorer in three of the world's best leagues. Simply by moving two Coke bottles off a podium at a pre-game press conference Monday and telling attendees 'Agua!' Ronaldo wiped billions off of Coke's market cap — according to multiple media outlets.

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## **Film & TV**

### **Sky Studios Inks Development Deal With Noah Media Group**

*June 22, 2021 via Rapid TV News*

Sky Studios, the pan-Europe production and development arm of pay-TV provider Sky has announced a multi-title development deal with production and distribution company Noah Media Group.

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### **Is Steven Spielberg's New Netflix Deal a Surprise? It's Surprising It Took So Long**

*June 22, 2021 via Exec Review*

Did another citadel just fall? Has another general just presented his sword in surrender? Steven Spielberg's production company Amblin has signed a deal to produce multiple features a year for the streaming behemoth Netflix – which is precisely that small-screen player that Spielberg seemed to be rebuking two years ago.

### **BLAST Premier Extends DouYu Media Rights Partnership**

*June 22, 2021 via eSports Insider - CS:GO*

CS:GO esports tournament series BLAST Premier has announced the renewal and expansion of its media rights deal with Chinese live streaming service DouYu.

### **Amazon/MGM Deal to Be Reviewed by Federal Trade Commission**

*June 22, 2021 via Media Play News*

Amazon's \$8.45 billion acquisition of Metro-Goldwyn-Mayer Studio, including the lucrative "James Bond" movie franchise, will reportedly be reviewed by the Federal Trade Commission and its just-confirmed Chair Lina Khan.

### **LeBron James Puts NBA's Pandemic Business Back in the Spotlight — but the Money Matters Too Much**

*June 18, 2021 via CNBC - Business News*

The biggest star in the National Basketball Association isn't happy about the current state of the league. LeBron James used social media this week to express his frustration about the injuries the NBA is experiencing during its 2021 postseason.

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## **Music Biz**

### **YouTube Secures a Big Win in the European Union Over Copyright**

*June 22, 2021 via CNBC*

The European Union's top court on Tuesday (June 22) ruled that Google's YouTube and other online platforms should not be held liable for copyright-infringing uploads in certain situations.

### **Music Licensing Marketplace Songtradr Raises \$50 Million**

*June 21, 2021 via Yahoo Finance - Top Stories*

Music licensing marketplace Songtradr this morning (June 21) announced a \$50 million Series D. The oversubscribed round – which features Regal, Aware Super, Perennial, Argo and Greencape – follows a \$30 million raise last August, bringing the Los Angeles company's total funding to north of \$100 million.

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### **Warner Music Buys French DJ David Guetta's Music Catalogue**

*June 17, 2021 via MENAFN - Top Stories*

Warner music Group said on Thursday it would buy celebrated French DJ David Guetta's recorded-music catalogue from the last two decades, and sign a new deal with him for future recordings.

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### **Non-Fungible Tokens (NFTs)**

#### **Judge Blocks Damon Dash From Auctioning NFT of Jay-Z's 'Reasonable Doubt'**

*June 22, 2021 via New York Daily News - New York*

Jay-Z can knock the hustle, a judge ruled Tuesday, blocking record producer Damon Dash's effort to auction off the copyright of the Brooklyn rapper's classic debut album, "Reasonable Doubt" as a non-fungible token.

#### **An NFT of Jay-Z's First Album Has Sparked a Record Label Lawsuit**

*June 21, 2021 via Business Google News*

Roc-A-Fella Records (RAF), co-founded by hip-hop mogul Jay-Z, has sued fellow co-founder Damon Dash for allegedly hawking a non-fungible token of Jay-Z's 1996 debut album Reasonable Doubt.

#### **Are NFTs Always Bad?**

*June 21, 2021 via Foreign Policy*

What are NFTs, and when did they come into existence? The key to understanding non-fungible tokens is the definition of the term "fungible." A good or asset is fungible when it is interchangeable with a good or asset of the same type; it is not unique. Currency—from dollar bills to bitcoins—is fungible. Therefore, non-fungible goods are those that are unique.

#### **Club Necaxa Lands \$1.5 Million Blockchain Ownership Sale**

*June 17, 2021 via Sportico - Business*

Club Necaxa has sold 1 percent of the Mexican soccer team for \$1.5 million, using NFT technology.

#### **Enjin Partners with Virtual Worlds to Mint Photorealistic Digital Replicas of the Egyptian Pyramids as NFTs**

*June 17, 2021 via Yahoo Finance - Top Stories*

Enjin, the leading platform for building NFT-enabled virtual worlds, has announced a new partnership with Virtual Worlds, a company with 20+ years of experience in digitizing historical artifacts.

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### **Right of Publicity**

#### **NCAA President Mark Emmert Pushing for Interim NIL Guidelines by July 1**

*June 23, 2021 via The Atlantic*

NCAA president Mark Emmert is pushing for temporary guidance that will allow all athletes to monetize their names, images and likenesses (NIL) until there is federal legislation, according to a memo obtained by *The Athletic's* Nicole Auerbach.

#### **Supreme Court Rules Against NCAA Over Athlete Compensation: Here's What You Need to Know**

*June 21, 2021 via Los Angeles Times*

The NCAA went to the Supreme Court looking for help in keeping its rules limiting college athlete compensation in place. What it got instead was another significant blow to the amateur ideal and a public admonishment that won't soon be forgotten.

#### **Supreme Court Rules Unanimously Against NCAA in Alston Case**

*June 21, 2021 via Sportico - Law*

In one of the most significant sports law decisions in United States history, the U.S. Supreme Court on Monday ruled unanimously against the NCAA in *NCAA v. Alston*. Justice Neil Gorsuch authored the opinion, with Justice Brett Kavanaugh authoring a concurring opinion.

#### **Mark Emmert Calls for Name, Image, Likeness Unity but Legal Challenges Lurk**

*June 21, 2021 via Sportico - Law*

With Congress unable to pass a federal NIL statute by July 1, and with at least six state statutes set to go into effect on that date, NCAA president Mark Emmert on Friday (June 18) emailed university presidents, chancellors, athletic directors and other school officials. He urged the three NCAA divisions to adopt rules that would permit NIL.

#### **Epic Games Avoids Review of Win in Wrestler's Gears of War Suit**

*June 21, 2021 via Bloomberg Law - News Top Stories (subscription may be required)*

Epic Games and Microsoft Corp. won't have to defend a ruling that they violated publicity rights of a former pro wrestler in their video game *Gears of War* before the U.S. Supreme Court. The game creators sufficiently transformed Lenwood "Hard Rock" Hamilton's persona when they created the Augustus "Cole Train".

#### **What Does NCAA's Abandonment of Third-Party Administrator a Concept Mean for Its NIL Legislation?**

*June 18, 2021 via Forbes – Business (subscription may be required)*

The NCAA has notified its remaining finalists for the Third-Party Administrator, which was

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meant to assist with the administration of name, image and likeness activities that the organization no longer plans to fill the role.

### **Is a Famous Face a Form of Intellectual Property?**

*June 18, 2021 via Hollywood Reporter*

A Philadelphia news anchor's fight with digital giants, including Facebook, who hosted an unauthorized image of her in ads, raises novel questions about likeness rights and has drawn the attention of SAG-AFTRA.

### **Federal NIL Bill Stalls in Congress, Setting Table for July Chaos**

*June 17, 2021 via Sportico - Law*

While the NCAA continues to wait for a U.S. Supreme Court ruling in the Alston case, it gained more certainty Thursday (June 17) as to whether Congress will pass, and President Joe Biden will sign, a federal bill that would provide a national standard for name, image and likeness before July 1.

### **Ice Cube's Trademark Infringement Lawsuit Against Robinhood Dismissed by Federal Judge**

*June 16, 2021 via Yahoo! News*

A California judge on Tuesday (June 15) dismissed a lawsuit brought by rapper Ice Cube against trading platform Robinhood claiming it used his image to promote its products, without his consent.